

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,334	03/26/2004	Ross Lyell Cowie	117-1 US 8231	
24949	7590 04/05/2006		EXAMINER	
TEITELBAUM & MACLEAN			GRAYSAY, TAMARA L	
1187 BANK STREET, SUITE 201 OTTAWA, ON KIS 3X7			ART UNIT	PAPER NUMBER
CANADA			3636	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		10/809,334	COWIE ET AL.			
		Examiner	Art Unit			
		Tamara L. Graysay	3636			
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
WHIC - Exter after - If NO - Failu Any r	CRTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATE is insort of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION B6(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	l. ely filed the mailing date of this communication. O (35 U.S.C. § 133).			
Status						
2a)⊠	Responsive to communication(s) filed on <u>03 Fe</u> This action is FINAL . 2b) This Since this application is in condition for allowan closed in accordance with the practice under E.	action is non-final. see except for formal matters, pro				
Dispositi	on of Claims					
5)⊠ 6)⊠ 7)⊠	Claim(s) <u>1-9 and 11-21</u> is/are pending in the ap 4a) Of the above claim(s) is/are withdraw Claim(s) <u>1-9,11-14 and 21</u> is/are allowed. Claim(s) <u>15</u> is/are rejected. Claim(s) <u>16-20</u> is/are objected to. Claim(s) are subject to restriction and/or	yn from consideration.				
Applicati	on Papers					
10) 🖾 -	The specification is objected to by the Examiner The drawing(s) filed on 26 March 2004 is/are: a Applicant may not request that any objection to the o Replacement drawing sheet(s) including the correction The oath or declaration is objected to by the Example.	a) \square accepted or b) \boxtimes objected to drawing(s) be held in abeyance. See on is required if the drawing(s) is obje	37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority u	nder 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment		_				
2) Notice 3) Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ' No(s)/Mail Date	4) Interview Summary (Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:				

Application/Control Number: 10/809,334 Page 2

Art Unit: 3636

DETAILED ACTION

Drawings

1. The drawing objection made in the 21 November 2005 Office action is withdrawn because the spring clip (61) is depicted in figures 2, 6 and 8.

- 2. The drawings are objected to because of the following:
 - a. They fail to comply with 37 CFR 1.84(u)(2) because the view numbers are not larger than the numbers used for reference characters.
 - b. They fail to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: "19a" [0032] and "21a" [0033].
 - c. FIG.3: reference characters 37 and 39 should be interchanged because the remaining figures depict the first cross brace in front of the second cross brace.
 - d. FIG. 5: reference character 8b at the top center of the figure should be 8a because the lead line is directed to the right side upright.
 - e. FIG. 6: reference characters 44a and 44b should be 46a and 46b respectively because the reference characters depict the seat cover not the seat platform which is positioned below the seat cover.
 - f. FIG. 6: the lead line for reference character 33 is misdirected to the handle instead of the hinge.
 - g. FIG. 7: the arrowed lead lines for reference characters 31 and 32 are misdirected to the seat cover instead of the right side support and left side support which is positioned below the seat cover.
 - h. FIG. 8: the arrowed lead lines for reference characters 31 and 32 are misdirected to the seat cover instead of the right side support and left side support which is positioned below the seat cover.

Application/Control Number: 10/809,334 Page 3

Art Unit: 3636

i. FIG. 9: the arrowed lead lines for reference characters 31 and 32 are misdirected to the seat cover instead of the right side support and left side support which is positioned below the seat cover.

j. FIG. 9: reference character 46b at the top left quadrant of the figure should be 46a because the lead line is directed to the right seat cover.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

- 3. The abstract of the disclosure is objected to because phrases that can be implied, such as "the present invention relates to" and "according to the present invention," should be avoided.

 Correction is required. See MPEP § 608.01(b).
- 4. The disclosure is objected to because of the following informalities:
 - a. [0035] lines 6 and 7: "ride" should be right to correct a typographical error.
 - b. [0036] lines 2 and 4: "bars" should be <u>bar</u> because only one bar is referenced.
 - c. [0039] line 6: "upper surfaces" should be <u>flat seating platforms 44a, 44b</u> to more clearly and accurately describe the invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Brown (US-6135475).

Claim 15: Brown discloses a mobility aiding device (10) adjustable between a use (FIG. 1) and storage (FIG. 8) position comprising: a first frame member (86, 84) having a pair of ground engaging means (78, 32) at a lower end thereof; a first support (60) pivotally connected (e.g., 64) to the first frame member (84, 86); a second support (62) pivotally connected (e.g., 64) to the second frame member (88, 90) and pivotally connected to the first support (60) by way of element (18), the first and second supports (60, 62) for supporting a weight above the ground in the use position (FIG. 1); first hinge means (18, 58, 58) pivotally connected upper portions of the first and second supports (60, 62) enabling the first and second supports to pivot toward each other into the storage position (FIG. 8) while preventing any pinching action of the first and second supports during entry in the use position; first and second link means (66, 68) pivotally connected (by way of first and second frame members and hinges 64) to lower portions of the first and second supports (60, 62), for distributing the weight to the first and second frame members while in the use position; and second hinge means (unnumbered, depicted in FIG. 6 connecting the first and second link means 66, 68), the second hinge means

parallel to the first hinge means (18, 58, 58) enabling the first and second link means (66, 68) to pivot toward each other into the storage position (FIG. 8).

Allowable Subject Matter

- 6. Claims 1-9, 11-14 and 21 are allowed.
- 7. Claims 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 03 February 2006 have been fully considered but they are not persuasive.

Page 8, last paragraph: In response to applicant's argument that Brown includes a separate brace extending between the side frame members and not between the supports, a broad recitation of the functional pivotal relationship of the link means to the lower portions of the supports is met by the pivotal interconnection (e.g., 64) of the link means (66, 68) to the lower portion of the supports (the portions adjacent each of the hinges 64) through the first and second frame members (86, 84, 88, 90) and such recitation does not result in a structural difference between the claimed invention and the prior art. The prior art structure meets the functional relationship of the elements.

Art Unit: 3636

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is 571-272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo, can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tamara L. Graysay 4/3/06

Examiner

Art Unit 3636